

**Federal Defenders
OF NEW YORK, INC.**

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

January 31, 2021

By ECF

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

For good cause shown, the Court terminates the term of Mr. Caraballo Crespo effective immediately.
SO ORDERED.

Dated: 3/10/2021



P. Kevin Castel
United States District Judge

**Re: United States v. John Caraballo Crespo
16 Cr. 536 (PKC)**

Dear Judge Castel,

I write to respectfully request that the Court terminate Mr. Caraballo Crespo's term of supervised release pursuant to 18 U.S.C. § 3583(e).

Mr. Caraballo Crespo was originally placed on supervised release for a term of three years in October 2018. Following a violation in 2019, the Court again imposed a three-year term of supervision, which commenced in December 2019. Since then – for over a year – Mr. Caraballo Crespo has fully complied with the terms of his supervision: he checks in with his Probation Officer as directed, has continued to attend treatment, and maintained employment. He now seeks termination because he wishes to relocate to the Dominican Republic, where his fiancée resides. The two of them wish to start a life and a family together, and there is nothing left for him in New York, except his supervision.

Probation takes no position on this application. The Probation Department, by Officer Gilmore, confirmed Mr. Caraballo Crespo's compliance to undersigned counsel and is available to answer any inquiry made by the Court.

The government, by A.U.S.A. Nicolas Roos, defers to the views of the Probation Department and the Court, and unless additional information comes to light, does not have an objection to the termination of Mr. Caraballo Crespo's supervision.

Procedural Background

Mr. Caraballo Crespo was first presented in the Southern District of New York in July 2016. Dkt. No. 5. In April 2017, he pled guilty to being a prohibited person in possession of a firearm. Dkt. No. 42. While his case was pending, Mr. Caraballo Crespo remained under the

supervision of Pretrial Services for more than 16 months, until he voluntarily surrendered to the Bureau of Prisons in January 2018 to commence the 13-month sentence imposed by this Court. Dkt. No. 49. Mr. Caraballo Crespo's case before Your Honor was his first-ever felony conviction.

Mr. Caraballo Crespo was released in October 2018 to his three-year term of supervision. In September 2019, Mr. Caraballo Crespo was arrested for a violation of his supervised release. He ultimately pled guilty to leaving the district without authorization and traveling to the Dominican Republic. Dkt. No. 60. The Court sentenced him to three months in prison and three years of supervised release, which commenced in December 2019. Dkt. No 57.

Early Termination is Warranted by Mr. Caraballo Crespo's Conduct and Serves the Interests of Justice

Legal Standard

The Court has authority to terminate supervision at any time after the expiration of one year, if such action is “warranted by the conduct of the defendant released and the interests of justice.” 18 U.S.C. § 3583(e)(1). A defendant’s “changed circumstances” can warrant a reevaluation of the statutory goals of his term of supervised release. See United States v. Lussier, 104 F.3d 32, 36 (2d Cir. 1997). A defendant’s request to move out of the country can be one such changed circumstance. See, e.g., United States v. Magdiel Valencia, 11 Cr. 852 (WHP), Dkt. Nos. 28, 29 (S.D.N.Y. May 24, 2018) (granting early termination of supervised release for a defendant who wanted to move to his father’s home in Colombia).

Mr. Caraballo Crespo’s Compliance with Supervision

Mr. Caraballo Crespo has been in full compliance with the terms of his supervision since his release last December. The Probation Department confirmed that he has communicated with his officer as directed, maintained full-time employment, and engaged in mental health treatment. In addition, and as noted above, in August 2020, this Court granted him permission to visit the Dominican Republic for 12 days, which he did without incident. Probation confirmed that he traveled and returned as scheduled.

Mr. Caraballo Crespo has spent the majority of the time since his release working hard for a roofing company in Queens, NY: JLS Group, Inc. See Exhibit A, Letter from Employer. He has worked there for more than a year, in the warehouse and at job sites. See id. He works a 14-hour overnight shift – from 8pm to 10am – six days a week. See id. His work ethic and commitment proves that Mr. Caraballo Crespo is a productive member of his community and family, and that he has turned over a new leaf. He uses the money he earns to support his children and his fiancée.

Mr. Caraballo Crespo has also been engaged in individual counseling for more than a year. At his violation sentencing, the Court and parties discussed the importance of finding a Spanish-speaking mental health provider, who could address both mental health and substance abuse issues. Probation did so promptly and sent Mr. Caraballo Crespo to the St. Mark’s Institute for outpatient treatment. Mr. Caraballo Crespo has had regular individual sessions with

a bi-lingual counselor (which were in-person originally, and then transitioned to telephonic sessions during the pandemic).

Since his release on supervision, Mr. Caraballo Crespo has had no contact with law enforcement and poses no danger to the community. No further supervision is necessary to achieve the statutory goals of sentencing. See 18 U.S.C. § 3553(a).

Changed Circumstances in Mr. Caraballo Crespo's Life

Mr. Caraballo Crespo is engaged to a woman named Evelyn, who lives in the Dominican Republic. They have been in a long-distance relationship for almost two years and they are eager to build a life and family together. In order to do so, it is essential that they live in the same place.

Mr. Caraballo Crespo is a 40-year-old American citizen, who grew up in Puerto Rico. Spanish is his first language – and it is the language he speaks with Evelyn and her family. Mr. Caraballo Crespo and his fiancée have concrete plans for Mr. Caraballo Crespo's future in the Dominican Republic. He will live with Evelyn and her mother. See Exhibit B, Photos from the Dominican Republic. Mr. Caraballo Crespo and his fiancée are planning to build a beauty salon on her property, so they can own their own business. Indeed, Evelyn's relatives have already begun construction on the building. Id. These same relatives, who work in construction, are confident they will be able to connect Mr. Caraballo Crespo with a construction job in their community. Through his trips and regular communications, Mr. Caraballo Crespo has already formed close relationships with Evelyn's mother, grandmother and extended family. See id. He is excited to move there and live among them.

At the same time, Mr. Caraballo Crespo's ex-wife, who lives in New York with their children, has remarried and she and her husband and the children are planning to relocate to Pennsylvania. Mr. Caraballo Crespo and his ex-wife have been supportive of each other's new relationships and are eager to make sure that the children maintain a relationship with their Mr. Caraballo Crespo. Because Mr. Caraballo Crespo and his children are all American citizens, they will be able to travel to spend time with each other on school vacations, in the summers, and for holidays. Mr. Caraballo Crespo will also continue to provide for them financially.

His children's relocation out of the state will leave Mr. Caraballo Crespo with no family whatsoever in New York. His mother lives in Mississippi and Mr. Caraballo Crespo lives by himself in a shelter in Queens. There is nothing keeping him here except his obligations to the Department of Probation.

Conclusion

At his violation sentencing, the Court said: "Mr. Caraballo, this is an opportunity that you are being given. This is an opportunity to get things right and get on a good, healthy path. I hope you make good decisions and you hope you do succeed, and I wish you the best." Dkt. No. 60, p. 23. Since then, for the past 13 months, Mr. Caraballo Crespo has done just that. His path has included employment, mental health treatment, family, and following the rules of Probation

– just as the Court intended. Given the changes in his personal life, and the life that is waiting for him in the Dominican Republic, we ask that the Court terminate his supervision early. Doing so is in the interests of justice. See 18 U.S.C. § 3583(e).

Respectfully submitted,

/s/

Sylvie Levine
Counsel for Mr. Caraballo Crespo

cc: A.U.S.A. Nick Roos (via ECF)
U.S.P.O. Ji'vonne Gilmore (via email)

EXHIBIT A

JLs Group Inc

Asbestos • Lead • Mold

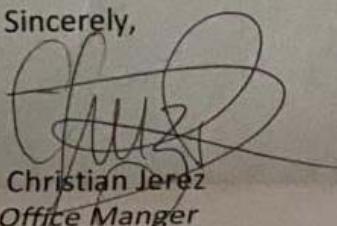
December, 11th 2020

To whom it may concern,

Mr. J,A Caraballo Crespo is an employee of JLsGroup Inc. Mr. Caraballo started working with on January 2019 working Monday through Saturday from 8:00 pm to 10:00 am doing general labor in our warehouse and roofing labor in job sites.

If you have any question, please feel free to contact me at any time.

Sincerely,



Christian Jerez
Office Manager
JLsGroup, Inc.
Office: 877 231 1080
Email: Charlie@JLsGroupInc.com

151-11 11th Ave, Whitestone, NY 11357
Office: (800) 918-3357 | info@JLsGroupInc.com

EXHIBIT B



John and Evelyn's Grandmother



John and Evelyn's Family



John and Evelyn



Beginning Construction on the Salon